

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 TONY MORRIS BRANDON,

4 Plaintiff

Case No. 2:19-cv-01337-JCM-EJY

ORDER

5 v.

6 SDCC MEDICAL UNIT,

7 Defendant  
8

9 **I. DISCUSSION**

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
11 (“NDOC”), has filed a document entitled, “federal tort claim, Title 18 U.S.C. § 1347.” (ECF  
12 No. 1-1). Plaintiff has not filed a complaint or an application to proceed *in forma pauperis*  
13 in this matter.

14 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a  
15 complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30)  
16 days from the date of this order to submit a complaint to this Court.

17 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
18 application to proceed *in forma pauperis* and attach both an inmate account statement  
19 for the past six months and a properly executed financial certificate. Plaintiff will be  
20 granted an opportunity to file an application to proceed *in forma pauperis*, or in the  
21 alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application  
22 to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*  
23 *pauperis*.

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
26 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
27 as the document entitled information and instructions for filing an *in forma pauperis*  
28 application.

1 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,  
2 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on  
3 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
4 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
5 fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within  
7 thirty (30) days from the date of this order.

8 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the  
9 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The  
10 Clerk of the Court will also send Plaintiff a copy of his "federal tort claim, Title 18 U.S.C.  
11 § 1347" (ECF No. 1-1).

12 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,  
13 dismissal of this action may result.

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15 DATED August 6, 2019.

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19 UNITED STATES DISTRICT JUDGE  
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